

Remarks/Arguments

Claims 6, 9-11, 14, 19, and 21-34 are pending in the application. Claims 11, 14, 19, 21-23, and 28 are withdrawn. Claim 26 is cancelled.

Reconsideration is respectfully requested. The cited prior art does not teach or suggest any means in a template on which a foot is positioned for a determination of a neutral position. The Examiner considers elements 76, 81, and 86 to be a template. In Graf, element 76 is apart from where the foot is placed. Elements 81 and 88 are perpendicular reference lines in an apparent fixed relationship with each other. Therefore they are not suitable for allowing any determination of the neutral position, and any such determination must be made apart from anything that is the template.

The Final Office Action asserts "that the features upon which applicant relies (i.e., a "means in a template on which a foot is positioned for a determination of a neutral position" are not recited in the rejected claims. However, Applicant requests that the Examiner more carefully review the wording of independent claims 1 and 10: "the template being adapted to allow a determination of the alignment of the foot on the template in a neutral position...." According to the literal wording, the foot must be on the template, and the template is "adapted" for such. Therefore, this claim cannot read on the asserted template of Graf, which as explained before does not support the foot.

Accordingly, all claims are allowable for at least this reason.

CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

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Applicant understands that no fees are due at this time. However, if any fees are due, the Commissioner is hereby authorized to charge any fees, additional fees, extension fees or underpayments, or to credit any overpayments, to the undersigned's Deposit Account No. 50-1001.

Respectfully submitted,

Date: 6/11/07



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